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SUMMARY RECORD OF THE 436th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 12 January 1998, at 10 a.m.

Chairperson: Miss MASON

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Initial report of Ireland

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GE.98-15054 (E)

The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Ireland (CRC/C/11/Add.12; CRC/C/Q/IRE/1; HRI/CORE/1/Add.15)

1. At the invitation of the Chairperson, Ms. O'Donnell and the other members of the delegation of Ireland took places at the Committee table.

2. Ms. O'DONNELL (Ireland) said that the new Government had committed itself to being more sensitive to children and child-care issues, and had set out a number of key priorities, including early and comprehensive juvenile justice legislation; implementation of the recommendations of the Kilkenny Incest Enquiry Report, the Kelly Fitzgerald Report and the Madonna House Report; the mandatory reporting of child abuse; a review of all investigative, therapeutic and prevention services to protect children; the consideration of a constitutional amendment to underpin the individual rights of children; and the establishment of a voluntary contact register which would allow adult adoptees to contact their birth parents. Her Government viewed the standards and principles set out in the Convention as a useful benchmark against which it could develop and evaluate policy in the areas of child care and child rights.

3. Over the previous decade, the problem of child welfare had been a central concern of successive Irish Governments. Ireland had experienced an explosion of public awareness with regard to child abuse, and particularly child sexual abuse, which had led to a series of parliamentary reports and inquiries. The State was, consequently, well aware of the traumatic and life-altering effects of physical, emotional, and sexual child abuse.

4. The revelations of the various inquiries had led to a clamour for reform. Professionals from the Statutory Child Protection System had generated a number of key reports whose recommendations reflected a consensus among a range of organizations and professions involved with children. The Government had already implemented many of those recommendations, and had begun a major structural and legal reform in the area of child protection. Non-governmental organizations (NGOs) in the sector had been very forceful advocates.

5. As early as 1964, the Guardianship of Infants Act had established that, in settling cases involving children, the welfare of the child must be the first and paramount consideration of the court. In recent years, various family laws had undergone a number of important reforms, with respect to maintenance, legitimacy, guardianship, custody, and child abduction. The Child Care Act, 1991, Ireland's primary child-protection legislation, had been drafted at the same time as the Convention, and shared its basic philosophy. The Domestic Violence Act, 1996, strengthened provisions for the protection of children against violence. The Family Law Act, 1995, and the Family Law (Divorce) Act, 1996, empowered the court to make financial, property and pension orders on behalf of children. The Children Act, 1997, introduced new

measures to safeguard children's interests, addressed the matter of a child's testimony in civil cases, and established, also in civil cases, systems for ad litem guardianship and separate legal representation.

6. Various important matters had been raised in the list of issues submitted by the Committee (CRC/C/Q/IRE/1). The question as to how the Convention was reflected in the constitutional and legal framework had recently been considered by the Constitutional Review Group, which had made a number of recommendations concerning articles of the Constitution dealing with the family. As an initial response, the Government had requested the All-Party Committee on the Constitution to consider an amendment to protect the individual rights of children.

7. Issues affecting children were dealt with by a number of Government departments and coordination was thus a key element in the successful implementation of child policy. Her Government had advanced proposals which would result in the appointment of a minister of state who would be responsible for coordinating child-care policy, and would be supported by a cross-departmental team of officials. Furthermore, the Child Care Advisory Committees had made substantial progress in the coordination of agencies with responsibility for children. There were also plans to establish regional child protection committees - at the Health-Board level - to enhance inter-agency and inter-professional approaches to child protection.

8. Significantly, the Child Care Act, 1991, assigned to Health Boards the legal responsibility for promoting the welfare of children who were not receiving adequate care and protection, and required them to regard the welfare of the child as the first and paramount consideration. The full implementation of that Act called for substantial funding: in 1997, 43.5 million additional pounds per annum had been allocated and 900 additional staff had been recruited, an investment in child-care services unprecedented in the history of the State.

9. The Child Care Act had given rise to a number of significant developments. The Department of Health had proposed the establishment of a social services inspectorate which would concentrate on child care and protection. Homelessness among children was a growing problem and the Health Boards envisaged various measures: early childhood intervention to prevent homelessness; the increased provision of community services to families and young people; and the provision of accommodations and support services to homeless children and young people. In addition, a series of initiatives, costing £Ir 2 million, had been announced to combat homelessness in the Dublin area, where the problem was especially acute.

10. Measures were also envisaged to improve the statistical data on children in care; to develop a campaign to publicize the Convention; to establish an association of children in care to ensure that the views of such children were taken fully into account in the planning and provision of services; to establish a paedophile register designed to protect children from recidivism by such persons; to make foster homes available to all children in need of them and to provide additional supports to foster parents; and to set up two

special care units in Dublin which would provide urgent special care and educational facilities for children with emotional and behavioural difficulties.

11. Much still remained to be done. Her Government had learned that it must respond to the needs of an evolving society. Major areas of current concern included homeless children and the related problems of child prostitution and drug and alcohol abuse; the health services were making efforts to address those matters. A key development had been the recent publication of the Education Bill, a central objective of which was to provide a statutory framework to ensure high-quality education for all persons, including those with special educational needs. New school attendance legislation, which would introduce measures to combat truancy and early drop-out, was in preparation.

12. The Children Act, 1997, which provided in effect a charter for children's rights in cases of conflict, established a comprehensive range of provisions designed to protect the interests of children in guardianship, custody, and access proceedings. It empowered the courts to hear the evidence of children under the age of 14 in civil cases, without the requirement of an oath or affirmation, and to hear testimony by children in proceedings concerning their future welfare by television link. It also provided for the admissibility of out-of-court statements by children, which had previously been excluded under the law governing hearsay, and enabled unmarried fathers to acquire guardianship rights without obtaining a court order. In the view of the Government, the law should, as far as possible, permit unmarried parents to share responsibility for their children.

13. Ireland had been an early signatory of the European Convention on the Exercise of Children's Rights, and would soon enact the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, events which indicated the country's desire to apply international standards regarding the welfare of children.

14. The Children's Bill, which would soon be opened for parliamentary debate, set out a framework for the creation and development of a totally new juvenile justice system, established further protections against child abuse, and introduced provisions to help non-offending children who were out of control. The Child Trafficking and Pornography Bill, 1997, which had recently been published, would protect children against abuse by child pornographers and paedophiles.

15. Her Government had taken a number of initiatives in the area of family policy and women's rights which directly affected children's rights and the quality of children's lives, including measures to refocus the tax and welfare system for the benefit of the family, with emphasis on the impact of marital breakdown and divorce (which had recently been legalized), to extend parental leave, to establish a national mediation service, and to fund refuge facilities for women and children fleeing domestic violence.

16. While it was striving to support the family, the Government recognized that the rights of the child must be first and paramount. The former undue emphasis on the rights of parents had hindered the protection of children's

rights, and had helped to shroud child abuse in secrecy. It was determined to assist children-at-risk and to tackle the root causes of disadvantage among children; the Minister of State for Health and Children had announced, the previous week, the establishment of the National Children's Trust, which would support research into the causes of disadvantage among children, assist voluntary child-care organizations, develop a comprehensive database on children's issues, and raise public awareness of the plight of neglected children.

17. In Ireland, some 27 per cent of the population was under 15 years of age; for their sake and for the sake of the country, the Government must not fail them.

18. The CHAIRPERSON invited the members of the Committee to put questions relating to general measures of implementation.

19. Mrs. MOKHUANE said that further information on coordination among the ministries, NGOs and human rights units would be useful, especially on measures to improve such coordination. She would also like to know to what extent anti-poverty measures had been successful, and what percentage of the national budget was allocated for the purpose.

20. Mr. FULCI said that, while he commended the Irish Government on the breadth of the report and the commitment it had shown toward enhancing the welfare of children, he was concerned that Ireland was not a party to a number of international instruments which had an impact on the protection of children's rights such as the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children. He asked whether the Government was taking steps to ratify those instruments, and if so, what the status of those ratification procedures was.

21. Furthermore, the Constitution provided that international instruments became effective only by a decision of the Oireachtas (National Parliament). If such agreements were not incorporated into the domestic law, they could not be invoked before the courts. Since no such parliamentary decision had been taken with regard to the Convention, it appeared that, if a conflict arose between its terms and those of a domestic legal text, the domestic legislation prevailed. It would be useful to know whether Ireland had taken any decisions concerning the relationship between international law and domestic law in the matter of children, why it had omitted to incorporate the Convention into the domestic legislation, and what was the legal impact of such an omission on the protection of children's rights.

22. Mrs. PALME said that she commended the Irish Government on the promulgation of the Child Care Act, and in particular on its recognition of the child as a separate entity with rights distinct from those of the family.

23. A difficulty that had not yet been resolved was that of coordinating policy and action relating to child, youth and family affairs. Even if steps were being taken to improve interdepartmental coordination, there was a need for a more independent body such as an ombudsman to promote and protect children's rights.

24. With regard to the National Anti-Poverty Strategy, she noted that, despite the rapid pace of economic growth, one third of all children were dependent on support systems. The persistence of such unequal circumstances must generate a sense of discrimination among children and she wondered how the authorities were dealing with the problem.

25. Activities aimed at publicizing the Convention did not seem to involve the children themselves. What further plans existed in that area?

26. Mrs. OUEDRAOGO endorsed the view that an independent institution such as an ombudsman would be better able to coordinate action for the protection of children at all levels and commended the idea of establishing a national mediation service as part of the new Government's family policy. She would like information as to how that institution would operate.

27. The drafting of legislation on adoption and protection of children seemed to have been strongly influenced by a desire to avoid encroaching on the rights of parents, and that had led to the existence and recognition of certain unspecified children's rights. The Constitutional Review Group had recommended, inter alia, that all such rights, as well as the rights and duties of parents, should be expressly mentioned in the Constitution. It was to be hoped that the authorities would act on that recommendation, particularly in the light of the need to harmonize Irish legislation with the Convention.

28. She commended action to familiarize civil servants, educators, health personnel and others with the Convention and suggested that such action would be even more effective if it was accompanied by recommendations on ways of integrating the provisions and principles of the Convention into their daily work. She also welcomed the national public information campaign to be mounted in 1998, with partial government funding, by the Children's Rights Alliance, an umbrella body of NGOs.

29. Mrs. SARDENBERG, having welcomed the fact that the report had been prepared in accordance with the Committee's guidelines, asked how the Department of Foreign Affairs had organized the drafting process, especially in terms of coordination with other official bodies and NGOs.

30. She had the impression that action on behalf of children was somewhat fragmented and recommended a more global approach to the ethos of the Convention. In general, the child tended to be viewed within a family context rather than as an individual. A national strategy for the promotion of children's rights might assist not only in adopting a more global approach but also in remedying existing institutional overlapping. She requested more information on regional and local coordination between, for example, the Health Boards and the Boards of Education.

31. Were sufficient funds available from the Government to fund the planned children's rights awareness campaign? Had the Convention been translated into Irish?

32. She understood that an All-Party Committee on the Constitution was considering a constitutional amendment to underpin children's rights. What were the procedures for having such an amendment approved, was it likely to be adopted and what changes would it entail?

33. The discussion of poverty tended to focus on homelessness, which was certainly a crucial issue, but poverty was a more global phenomenon related to exclusion from society and development. What was the Government doing to combat child poverty?

34. What steps had been taken to generate awareness of the Convention among members of professional groups such as judges, lawyers and law-enforcement officials?

35. Mrs. KARP noted that, in 1997, the Minister who had introduced the Children's Bill said he had been advised by the Attorney-General that potential constitutional difficulties existed in relation to the provision referring explicitly to the rights of the child, which had therefore been reworded. That raised a crucial issue. The innovative idea of the Convention was that of moving from protection and caring to assertion of children's rights. That innovative approach had implications not only in abstract or ideological terms but also for the practical implementation of the Convention. She wondered whether the new approach had been internalized by the bodies in Ireland that were responsible for formulating policies, designing services and evaluating strategies in line with the holistic spirit of the Convention. Was there a proper awareness of the fact that the Convention was concerned with rights rather than with attitudes to welfare? Such an awareness also had implications for the management of public campaigns and debates.

36. In the same context, she stressed that training for judges should cover not only the legal aspects of the Convention but also the impact of social and cultural attitudes on the enjoyment or violation of children's rights.

37. In general, she felt that the proposed amendment to the Constitution should be promoted solely on the grounds that the idea of rights needed to be supported by all available ways and means.

38. The report and introductory statement provided statistics for children below the age of 15 years and for persons in the 15 to 24 age group. There were no statistics for children as defined in article 1 of the Convention, namely human beings below the age of 18 years. Services and policies should, however, stem from an overall strategy for children below the age of 18 and children thus defined should also be viewed as partners in the formulation of such strategies, policies and services.

39. Were NGOs in Ireland partners in the development of policies and strategies?

40. The CHAIRPERSON said she was impressed by the plethora of bills, programmes and policies that were either in the pipeline or already being implemented. She wondered, however, whether there was any machinery for systematic evaluation of their value and appropriateness.

41. In connection with the innovative aspects of the Convention, she wondered whether there had been any real public discussion of its provisions that involved the children themselves. Which articles of the Convention had given rise to the most heated discussion?

42. A large number of bills had been inherited from the previous Government and she would like to know what the new Government's intentions were with regard to the enactment of those having implications for children's rights.

43. Ms. O'DONNELL (Ireland) said she noted that many members of the Committee were concerned about the adequacy of mechanisms to coordinate Government policy and monitor implementation of the Convention. In view of the priority given to the protection of the most vulnerable children, the greatest advances in coordination had involved the Departments of Health, Education and Science, and Justice, Equality and Law Reform. In 1994, one Minister of State had been appointed to all three Departments, with responsibility for child protection, youth homelessness, school truancy and children in trouble with the law. In June 1997, a Minister of State with responsibility for children had been appointed to the Department of Health and Children and he would shortly acquire responsibilities similar to those of his predecessor. He would be supported by a cross-departmental team of civil servants. Steps to improve coordination at the regional and local levels had also borne fruit. The new Government shared the Committee's concern that effective coordinating arrangements should be put in place.

44. With regard to monitoring, the new office of Minister of State for Human Rights, to which she herself had been appointed, would ensure that human rights issues had a higher profile. The first appearance of Ireland before the Committee had imposed a salutary discipline in relation to the Government's implementation of the Convention. She would ensure that existing reporting mechanisms were reviewed so as to ensure that statutory agencies such as Health Boards included specific reference to their compliance with the Convention.

45. She was aware that NGOs attached great importance to the appointment of a children's ombudsman. Her Government agreed that such an office would have many advantages but had decided that the appointment of a social services inspectorate to monitor the quality of services to the most vulnerable children should have priority. However, the idea of an ombudsman had not been ruled out and would be re-examined during the next phase of implementation of the Convention.

46. With regard to the incorporation of the Convention in the Constitution, a Constitutional Review Group had recently submitted its report and an All-Party Committee of the Oireachtas was currently examining its recommendations and the possibility of amending the Constitution to underpin children's rights. Any proposal to amend the Constitution would have to be ratified by the people in a referendum.

47. Although the Convention had not been directly incorporated into the Constitution, the courts had due regard for the country's obligations under all international treaties that had been ratified. Moreover, all legislative measures, particularly the Child Care Act, reflected the ethos and substance of the Convention, so that it was gradually becoming part and parcel of legislation.

48. The Government had agreed to resume discussion shortly of the Children's Bill, 1996, which had been introduced with a view to replacing the Children Act, 1908, by a comprehensive modern statute dealing with all aspects of juvenile justice. The Bill would do away completely with imprisonment for children and ensure that no child fell outside the system. The Health Boards would be responsible for unruly non-offending children, the Department of Education and Science would be responsible for the detention of offending children under 16 years of age and the Department of Justice, Equality and Law Reform would be responsible for the detention of 16 and 17-year-old offending children.

49. The definition of a child for the purposes of mental-health treatment would be reviewed in connection with proposed new mental-health legislation to be introduced in mid-1998.

50. The Government was committed to reviewing all investigative, preventive and therapeutic services to protect children, including the court system, the Office of the Director of Public Prosecutions and community child-care services. From her own knowledge of the justice system in Ireland, she was aware that a great deal of reform was necessary to ensure, for example, that the prosecution service dealt adequately with child-abuse cases.

51. Ireland was committed to ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination as soon as domestic legislation had been brought into harmony with those treaties. A number of bills to that effect would be debated during the next parliamentary session and, once they were enacted, ratification would swiftly follow.

52. Comprehensive statistical data was being collected on children, but there was still room for improvement. Ireland was the first country to compile a comprehensive database on the service needs of people with mental handicaps, an invaluable tool for planning service needs. In 1997, 4,362 children under 18 years had been identified as having a moderate to profound mental handicap, with over 90 per cent receiving a residential, day or respite service. Over 80 per cent of them lived in a home setting, but 4 per cent were not in receipt of any service.

53. Enumerating the data-collection activities in the various governmental departments, she said that the Department of Education and Science compiled disaggregated data on education matters, to include pupil-teacher ratios and participation rates. It also maintained records on children in Ireland's five young-offender facilities. The Department of the Environment conducted an annual census of Traveller families, compiling data on Traveller children who had, of course, the same rights as children in settled communities. (Although

many Traveller children lived fulfilled lives in their own cultural environment, there was an occasional need for State intervention.) An annual census was made of children in care.

54. Data on homeless children was also being collated; that involved attributing a personal identity number to each child. The Department of Health and Children was responsible for compiling a database on child abuse. With a view to improving statistical accuracy, a consultancy study would be initiated to harmonize the various Health Boards' interpretations of what actually constituted abuse.

55. The Government would be establishing an independent social services inspectorate in early 1998, with a view to monitoring and evaluating the quality of service delivery as experienced by users and carers. Consisting of a multidisciplinary team of social-service professionals, the inspectorate would promote the development of national quality standards to be used as benchmarks. It would also initiate research work, contribute to training programmes, implement recommendations of review reports and provide policy-development information. Although the inspectorate would initially concentrate on the child-care sector, it would eventually expand its activities to embrace the disabled and the elderly.

56. For the preparation of the country report, the Department of Foreign Affairs had coordinated inputs from the relevant Government departments. NGOs had been invited to a day-long consultation and their comments were contained in a separate chapter.

57. The Government had agreed to finance in part a national publicity campaign to disseminate the Convention, which would be conducted by the Children's Alliance. A national children's trust would also be established in order to improve awareness of children at risk. In her own capacity as Minister of State for Human Rights, she would be seeking to further parliamentary debate on the importance of the Convention. The issue of children's rights was extremely topical in Ireland and the Oireachtas was committed to addressing the issue. To that end, the Department of Foreign Affairs would shortly be organizing a forum to enable NGOs to exchange views on the dissemination of the Convention.

58. The Department of Education and Science had circulated the country report to all schools and school inspectors, and the Convention also formed part of in-service training in the fields of social, environmental and political education, and had been forwarded to all regional Health Boards.

59. The amount of resources available to the judiciary, primarily for training purposes, would be increased to £Ir 50,000 in 1998 compared with £Ir 13,000 the previous year.

60. Over the past decade, there had been major developments in a wide range of national legislation and services affecting children, including those in special circumstances. NGOs had been widely consulted throughout the process. Although governmental responses tended to be issue-specific and an overall framework could be said to be lacking, it must be stressed that priority

issues affecting children were being addressed in Ireland, particularly in the light of the recent shocking revelations as to the scale of child abuse.

61. The building blocks for a national strategy for children were in place, and the structured manner in which the Government had been requested to prepare its country report had facilitated the process. A millennium plan for children was already in preparation in the Department of Health and Children and the Government hoped to be able to report on further progress on children's rights in its second periodic report.

62. NGOs in Ireland made a positive contribution to democratic public debate on children's issues in a wide range of areas. A Green Paper on Voluntary Activity had been published to further debate on the relationship between the State and the voluntary sector and the State frequently funded voluntary agencies to enable them to provide services and policy guidance. NGOs were actively involved in policy formation relating to social services, child care, disability, education and juvenile justice.

63. A Department of Foreign Affairs/NGO Standing Committee on Human Rights had been established in June 1996 to examine the issue of human rights education and the dissemination of the various international human rights instruments. The Government allocated one million pounds per annum of funding to the National Committee for Development Education, which provided funding to other NGOs for the preparation of school texts to raise teacher and pupil awareness of human rights throughout the school system.

64. Each year, the Government expended some very significant resources in support of children. In 1993-1997, an additional annual grant of £Ir 43.5 million had been allocated to the development of child-care services, and a further 8 million would be provided in 1998 together with 5 million for capital investment. Education service expenditure was also on the increase, particularly to reduce class sizes and support pupils with special needs. In the primary sector, expenditure had increased from £Ir 655 million in 1992-93 to £Ir 747 million in 1995-96, despite a fall in primary pupil numbers from 521,000 to 479,000. In 1996, nearly half a million families and over one million children were recipients of Child Benefit allowances. Child Benefit had seen an increase over the past three years of 52 per cent for a three-child family and 54 per cent for a five-child family.

65. In early 1997, the Government and its social partners had decided to implement a National Anti-Poverty Strategy (NAPS) designed to place the needs of the poor and socially excluded at the top of the national agenda. The Strategy aimed at reducing the numbers of the "consistently poor" from 9-15 per cent to less than 5-10 per cent over a 10-year period. Political and administrative support structures had been established, including monitoring mechanisms involving the participation of civil society and cross-departmental teams focusing on the key causes of poverty and social exclusion.

66. Ms. BARRINGTON (Ireland) said that there were plans to have the Convention translated into Irish in the coming year.

67. In reply to Mrs. Ouedraogo, she said that there would be a distinction between the role of an inspectorate for child-care services and the

coordinating role of the Minister of State with responsibility for children. The "mediator" was not so much a post as a development of an existing service for families undergoing marital breakdown, which aimed at prioritizing the interests of children.

68. Recognition by the courts of rights not specified in the Constitution enhanced the protection of children. There would be a conflict only if a right were to be enumerated that was in breach of the Constitution. The courts took care to respect international commitments.

69. In reply to Mrs. Karp, she said that the Government was fully committed to enshrining the rights of children. As in the Convention itself, it was always necessary, however, to balance the rights of children against those of families, a subject for ongoing debate. The issue of standardizing the ages used in compiling statistics on children would be addressed.

70. Replying to the Chairperson, she said that NGOs had been active in promoting public and media interest in the Convention, and that the principles which had received the most attention were the "best interests of the child" (article 3), the "views of the child" (article 12) and the monitoring of the implementation of the Convention.

71. The CHAIRPERSON said that, although it was evident that the Irish Government was keen to protect children's welfare, the Committee had been given no evidence of any active participation by children in the formulation of policies affecting them.

72. Mr. KOLOSOV agreed and added that a patronizing approach towards children still appeared to prevail. Children did not feel that they were full members of society.

73. The statistical data provided did not correspond to the Convention's definition of the child as a person under the age of 18, and thus did not enable the Committee to carry out a meaningful evaluation of the real situation of children in Ireland. In contravention of article 4, the State Party had thus not undertaken all appropriate legislative and administrative measures to implement the Convention. Although the Government no doubt had comprehensive census figures at its disposal, it had provided in the report figures relating only to children under 15 and to persons aged 15 to 24.

74. Even if the courts gave due consideration to international instruments, it was clear that, in the case of a legal conflict, Irish domestic law would prevail over international law, since the provisions of the Covenant did not appear to be properly reflected in national legislation.

75. The tremendous potential of NGOs did not seem to be fully exploited by the Government. NGOs did not appear to be full partners in monitoring activities and in devising overall policies concerning children.

76. Ireland had a huge potential and might one day be cited as a model country in the implementation of children's rights. However, although expenditure on children's rights was on the increase, trends and results were

not always positive, particularly with regard to special protection measures. Had any analytical studies been carried out to determine the reason for such a state of affairs?

77. Mrs. KARP asked what the difficulties were that prevented express reference in Irish legislation to the rights of the child. She wondered whether the Minister of State for Health and Children had any authority over the Department of Education or whether his role was merely one of coordination. Did he have the power to make policy decisions affecting other departments? Finally, had cross-border cooperation on children, especially Traveller children, been taken on board in the current peace talks?

78. Mrs. PALME said it was not clear to her whether Ireland had ratified the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. As to the preference expressed for setting up an inspectorate rather than a post of children's ombudsman, she urged the Irish authorities to give further thought to the latter possibility, which might result in a more independent, open and community-oriented forum for discussion and coordination. Lastly, on the definition of the child, she sought clarification as to the age of criminal responsibility in Ireland.

79. Mr. FULCI said he had the impression that, in spite of a wealth of legislation and regulations, Ireland lacked both a national strategy for children in the framework of the Convention and also a national, regional and local mechanism for ensuring its implementation. Coordination was urgently needed - a message which the Irish delegation should transmit to its authorities. He also wished to know whether any surveys had been conducted, or were planned, concerning the level of public awareness of the Convention, especially among government officials, legislators, NGOs, the media and the public at large, as well as among children themselves.

80. Mrs. SARDENBERG said she welcomed the candid recognition by the delegation of the lack of a national strategy for implementation of the Convention. While she appreciated that it took time to put a legislative infrastructure in place, it must be borne in mind that children grew up very quickly. She also noted that the focus in Ireland was very much on child protection, perhaps at the expense of children's rights as individuals.

81. The Oireachtas and the Government had a crucial role to play, not only in enacting legislation, but also in stimulating public debate in a somewhat conservative society, so as to bring attitudes towards children into line with the new perspective introduced by the Convention. More specifically, she wished to know what individual was ultimately responsible for policy concerning children, and whether there were any plans to implement the Committee's observation to the effect that NGOs should be involved more closely with the work of the Government. In that regard, she asked for further details of day-to-day relations between the Government and NGOs, and of how the latter's input was incorporated into Government policy.

82. Noting that, paradoxically, Ireland had Europe's fastest-growing economy and Europe's second-highest level of child poverty, she asked whether the 1998

budget included measures to eradicate child poverty, and whether any specific national strategy existed to intervene in early childhood so as to prevent children at risk from becoming homeless.

83. Ms. O'DONNELL (Ireland) said that many of the questions asked concerned situations arising from the fact that the Constitution contained no specific provisions underpinning the rights of the child; and that there was no capacity to absorb aspects of the Convention into domestic law without first enacting domestic legislation. Many of the defects which had been noted - and which her delegation accepted - could be rectified once an amendment had been introduced into the Constitution championing and vindicating the rights of the child as an individual.

84. The 1937 Constitution contained a section underpinning the inalienable and imprescriptible rights of the family: words that had not been helpful in championing the individual rights of the child when interpreted by the courts over the years. Consequently, the Constitutional Review Group had suggested the deletion of various provisions of the Constitution relating to the family and had recommended that a revised article 41 should include a recognition by the State of the family as the primary and fundamental unit of society; a guarantee to all individuals of respect for their family life, whether or not based on marriage; and, notwithstanding the foregoing, an express provision setting forth certain rights of the child, such as the rights to be registered and receive a name immediately after birth, to know his or her parents, to be cared for by his or her parents as far as practicable, and to be reared with due regard for his or her welfare. There should also be an express requirement that all action concerning children, whether taken by legislative, judicial or administrative authorities, should make the best interests of the child the paramount consideration. In that way, the guiding principles of the Convention would be specifically reflected in the Constitution, which was the primary source of all law in the country.

85. The Constitutional Review Group also recommended an amended form of article 42 (5) providing expressly for State intervention either where parents had failed in their duty or where the child's interests required such intervention; restating the State's duty in such cases; and stating the circumstances in which the State might interfere with or restrict the exercise of family rights guaranteed by the Constitution. Such an article would be loosely modelled on the provisions of article 8 (2) of the European Convention on Human Rights.

86. As for cross-border cooperation, excellent cooperation existed between the Irish and the Northern Ireland authorities on child care, and there was considerable contact between officials. Experts from Northern Ireland regularly addressed conferences on child-care issues in the Republic. As part of the peace process, special funding had been provided for the promotion of cross-border cooperation and contacts, and for the expansion of services for pre-school children living near the border. With regard to juvenile justice, there were extensive contacts and exchanges of views between the Department of Justice, Equality and Law Reform and the Northern Ireland Office, either on a one-to-one basis or at a more structured institutional level under the Anglo-Irish Agreement. All-Ireland bodies thus already existed in relation to the coordination of child-care services.

87. The principle of establishing an office of ombudsman was still on the Government's agenda. However, the Minister with special responsibility for children had felt that, in a situation where Ireland's services and administrative procedures had been shown to be inadequate, protection of children at risk must be the immediate priority for policy makers. Nonetheless, she would take back to that Minister the message that a more positive, rights-based approach needed to be championed.

88. On public-awareness campaigns, she said that copies of the Convention had been distributed to schools, the Health Boards and other statutory agencies working in the field. More needed to be done, and funding had thus been approved for a two-year public-awareness campaign. As Minister of State for Human Rights, she had a budget for advocacy of human rights issues, and was proposing to include the Convention on the Rights of the Child in that advocacy in the context of the celebration of the fiftieth anniversary of the European Convention on Human Rights.

89. Some detailed questions had been asked concerning the poverty strategy. Child Benefit had been the major plank in tackling child poverty. A non-taxable, incremental cash payment made regardless of income, it was paid directly to mothers. A further benefit, in the form of Family Income Supplement, was paid to unemployed poor families. In her view, however, the best tool for eradicating long-term poverty was access to secure employment. Over the past three years, the Government had succeeded in reducing the rate of unemployment from 13 per cent to 10 per cent. That approach would continue to be the primary focus in reducing poverty. She would obtain full details of family support and anti-poverty measures in the 1998 budget from the competent department and supply them to the Committee.

90. Ms. BARRINGTON (Ireland) said that major changes were under way with regard to involving children in policy decisions and their implementation. In particular, the Education Bill published in December 1997 provided for student councils, and required school managers to facilitate the involvement of students in the operation of schools and school principals to involve them in setting up each school's objectives and monitoring the achievement of those objectives.

91. Responding to questions about NGO involvement, she said that, at the national level, many policies on children were elaborated by working parties, in which NGOs were fully represented and to which they made an important contribution. Thus, for example, the Irish Foster Care Association met the Department of Health and Children biannually to discuss issues of mutual concern not resolved at the regional level. In recognition of the role it played, the Minister of State had allocated that organization £Ir 70,000 to promote its work. The authorities would be happy to meet NGOs in order to discuss the latter's view of their role in the implementation of the Convention.

92. Ireland had signed but not ratified the Hague Convention, the reason being that major amendment of its adoption laws would be required before ratification was possible. Implementation of that Convention would require, first of all, designation of a central authority with overall responsibility for the recognition of foreign adoptions; secondly, accreditation of bodies competent to undertake arrangements for intercountry adoptions; and thirdly,

provision for automatic recognition of adoptions under the Convention. Much work thus needed to be done, but the Convention would be ratified once those tasks had been completed.

93. Ms. O'DONNELL (Ireland), replying to the question concerning a national strategy for early intervention to prevent children from becoming homeless, said that the "Partnership 2000" agreement contained a commitment to establish a national framework for child care. An expert working group, fully representative of all relevant NGOs, was due to report on the question in mid-1998. Under the Child Care Act, the Health Boards provided funding to NGOs for early intervention with children at risk. The Minister of Education was also organizing a forum on early education, to be held in 1998.

94. As a Minister who had no direct responsibility for the provision of services and the development of policy in the areas under consideration, she could assure the Committee that she would relay its concerns to the Minister responsible. As Minister of State for Development Assistance and Human Rights, she had the responsibility of reporting to the international community on compliance with the international conventions, but it was for other ministers and departments to secure that compliance.

95. The CHAIRPERSON asked for clarification of the distinction between the powers of ministers of State and of cabinet ministers.

96. Ms. O'DONNELL (Ireland) said that a minister of state was a junior minister without full cabinet status. Overall democratic responsibility and accountability for the provision of services within a department lay with the cabinet minister concerned.

97. Under the previous Government, the Minister of State with responsibility for children had had designated functions in relation to the other departments having an influence on child policy, namely, the Departments of Education and of Justice. Under the incoming Government, a Minister with responsibility for children had again been appointed, but those particular functions had not so far been designated to the Minister concerned. A Cabinet decision was required to change that functional allocation of responsibility. It had been accepted, in principle, that one minister must have functional responsibilities in each of the relevant departments.

98. Mrs. SARDENBERG said it appeared that the Minister with responsibility for children thus had less power than his counterpart had had under the previous Government.

99. Ms. O'DONNELL (Ireland) said that the Cabinet had not yet assigned to that Minister designated functions in other departments, but that it would shortly do so.

100. Mrs. MOKHUANE asked whether steps had been taken to protect children in employment from exploitation by setting a national minimum wage; what the Government's position was on the formulation and implementation of a national policy for provision of pre-school - as opposed to primary school - education; and whether there was a policy to review annually the cases of children in residential care.

The meeting rose at 1 p.m.